

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

POWAY UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012100656

ORDER CHANGING PREHEARING
CONFERENCE DATE AND
GRANTING MOTION TO CHANGE
VENUE

On October 18, 2012, Parent, on behalf of Student, filed with the Office of Administrative Hearings (OAH) a Due Process Complaint that named the Poway Unified School District (District). Currently scheduled in the case is a prehearing conference (PHC) set for November 19, 2012, and a due process hearing set for November 29, 2012. The hearing is set at the District's offices in San Diego, California.

On November 2, 2012, Parent filed with OAH a request to advance the PHC, because the family is on vacation from November 18 to 24, 2012. Parent also requested that OAH change the venue of the due process hearing from the District's offices to the OAH offices in downtown San Diego. On November 2, 2012, counsel for the District filed with OAH an opposition to the request to change venue, citing the inconvenience of District witnesses driving to downtown San Diego for the hearing. Thereafter, the parties filed with OAH conflicting papers on the venue issue.

Parent's request to advance the PHC is denied, but the PHC will be moved to the Monday preceding the due process hearing. The matter will be set as follows:

Mediation:	Not applicable
Prehearing Conference:	11/26/2012, at 10:00 a.m.
Due Process Hearing:	11/29/2012, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

As for the request to change venue, special education law requires that "The hearing shall be held at a time and place reasonably convenient to the parent or guardian and the pupil." (Ed. Code, § 56505, subd. (b).) Here, the District offices near Poway, California, are only 20 or so miles from the OAH offices in downtown San Diego. For District witnesses, it will not be an unreasonable requirement for them to travel to the hearing, and the OAH offices will provide a more neutral site for the due process hearing. Accordingly, Parent's

request to change the venue of the due process hearing from the District offices to the OAH San Diego office is granted.

IT IS SO ORDERED.

Dated: November 09, 2012

/s/

TIMOTHY L . NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings